

# EXHIBIT 10

To the Frawley Declaration  
ISO Plaintiffs' Motion to Strike  
Non-Retained Expert  
Declarations

**QUINN EMANUEL URQUHART & SULLIVAN, LLP**

Andrew H. Schapiro (admitted *pro hac vice*)  
andrewschapiro@quinnemanuel.com  
191 N. Wacker Drive, Suite 2700  
Chicago, IL 60606  
Telephone: (312) 705-7400  
Facsimile: (312) 705-7401

Stephen A. Broome (CA Bar No. 314605)  
stephenbroome@quinnemanuel.com  
Viola Trebicka (CA Bar No. 269526)  
violatrebicka@quinnemanuel.com  
Alyssa G. Olson (CA Bar No. 305705)  
alyolson@quinnemanuel.com  
865 S. Figueroa Street, 10th Floor  
Los Angeles, CA 90017  
Telephone: (213) 443-3000  
Facsimile: (213) 443-3100

Jonathan Tse (CA Bar No. 305468)  
jonathantse@quinnemanuel.com  
50 California Street, 22nd Floor  
San Francisco, CA 94111  
Telephone: (415) 875-6600  
Facsimile: (415) 875-6700

Diane M. Doolittle (CA Bar No. 142046)  
dianedoolittle@quinnemanuel.com  
Sara Jenkins (CA Bar No. 230097)  
sarajenkins@quinnemanuel.com  
555 Twin Dolphin Drive, 5th Floor  
Redwood Shores, CA 94065  
Telephone: (650) 801-5000  
Facsimile: (650) 801-5100

Josef Ansorge (admitted *pro hac vice*)  
josefansorge@quinnemanuel.com  
1300 I Street NW, Suite 900  
Washington D.C., 20005  
Telephone: (202) 538-8000  
Facsimile: (202) 538-8100

Jomaire A. Crawford (admitted *pro hac vice*)  
jomairecrawford@quinnemanuel.com  
51 Madison Avenue, 22nd Floor  
New York, NY 10010  
Telephone: (212) 849-7000  
Facsimile: (212) 849-7100

*Attorneys for Defendant, Google LLC*

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

CHASOM BROWN, et al., individually  
and on behalf of all similarly situated,

Plaintiffs,

v.

GOOGLE LLC,  
Defendant.

Case No. 4:20-cv-03664-YGR-SVK

**DEFENDANT'S AMENDED  
DISCLOSURES PURSUANT TO FED. R.  
CIV. P. 26(a)(1)**

Judge: Honorable Yvonne Gonzalez Rogers

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, Defendant Google LLC (“Google”) hereby provides the following Amended Disclosures (“Disclosures”) to Plaintiffs.

**GENERAL OBJECTIONS AND LIMITATIONS**

Google makes these Disclosures based on the information reasonably available to it as of the present date. Google reserves the right to supplement, amend, modify, or alter these Disclosures as new information becomes available. These disclosures represent a good-faith effort to identify information that Google reasonably believes it may use to support one or more of its various claims or defenses. By making the following disclosures, Google does not represent that every individual or entity identified herein necessarily possesses such information or that the individual or entity possesses relevant information. Nor does Google represent that it is identifying every document, tangible thing, or witness it may use to support its claims or defenses. Google employees may only be contacted through Google’s counsel. Google reserves the right to amend these Disclosures as additional information becomes available, through discovery or otherwise. Google also reserves the right to call any witness, including the right to identify expert witnesses, or present any exhibit or item at trial not listed herein but determined through discovery, investigation, or otherwise to support its claims or defenses.

By making these Disclosures, Google does not waive its right to object to discovery of any information based on disclosures herein on the grounds of the attorney-client privilege, work-product doctrine, or any other applicable privilege, immunity, law, or rule. Nor does Google waive its right to assert any other objection authorized by the Federal Rules of Civil Procedure or any other applicable rule or law in response to interrogatories, requests for admission, requests for production of documents, questions at depositions, or any other discovery requests involving or relating to the subject matter of these disclosures.

All of the disclosures set forth below are made subject to the above objections and qualifications.

**I. Individuals (Fed. R. Civ. P. 26(a)(1)(A)(i))**

Google identifies the following individuals likely to have discoverable information that Google may use to support its claims or defenses. Google reserves the right to supplement or amend

1 this disclosure pursuant to Rule 26(e) of the Federal Rules of Civil Procedure if additional  
 2 individuals or subjects are identified. The following list shall not be interpreted to be an admission  
 3 that any of the listed individuals will have discoverable information.

4 All communications with the individuals listed below for which “Quinn Emanuel Urquhart  
 5 & Sullivan, LLP; 865 S. Figueroa Street, 10th Floor, Los Angeles, CA 90017” is listed as the address  
 6 should be made through Google’s counsel of record. To the extent that Google currently is aware  
 7 of the contact information for any disclosed individual, it has been provided below.

8 By indicating the general subject matter of information these individuals may possess,  
 9 Google is in no way limiting its right to call any individual listed to testify concerning other subjects.

Name	Contact Information	Connection to the Case	Subject
Justin Schuh	May be reached through counsel for Google  Quinn Emanuel Urquhart & Sullivan, LLP 865 S. Figueroa Street, 10th Floor Los Angeles, CA 90017 (213) 443-3000	Former Google employee	Information concerning the purpose and function of the Chrome browser’s Incognito mode
AbdelKarim Mardini	May be reached through counsel for Google  Quinn Emanuel Urquhart & Sullivan, LLP 865 S. Figueroa Street, 10th Floor Los Angeles, CA 90017 (213) 443-3000	Google employee	Information concerning the purpose and function of the Chrome browser’s Incognito mode and Google’s disclosures regarding Incognito mode

Name	Contact Information	Connection to the Case	Subject
Deepti Bhatnagar	May be reached through counsel for Google  Quinn Emanuel Urquhart & Sullivan, LLP 865 S. Figueroa Street, 10th Floor Los Angeles, CA 90017 (213) 443-3000	Google employee	Information concerning functionality of Google Ad Manager
Glenn Berntson	May be reached through counsel for Google  Quinn Emanuel Urquhart & Sullivan, LLP 865 S. Figueroa Street, 10th Floor Los Angeles, CA 90017 (213) 443-3000	Google employee	Information concerning publisher websites' use of Google Ad Manager and Google's disclosures regarding its receipt of data from its services on third-party websites ( <i>e.g.</i> , Google Ad Manager and Analytics)
Steve Ganem	May be reached through counsel for Google  Quinn Emanuel Urquhart & Sullivan, LLP 865 S. Figueroa Street, 10th Floor Los Angeles, CA 90017 (213) 443-3000	Google employee	Information concerning functionality and publisher websites' use of Google Analytics and Google's disclosures regarding its receipt of data from its services on third-party websites ( <i>e.g.</i> , Google Ad Manager and Analytics)

Name	Contact Information	Connection to the Case	Subject
George Levitte	May be reached through counsel for Google  Quinn Emanuel Urquhart & Sullivan, LLP 865 S. Figueroa Street, 10th Floor Los Angeles, CA 90017 (213) 443-3000	Google employee	Information concerning Google Ad Manager's monetization of inventory
Brian Rakowski	May be reached through counsel for Google  Quinn Emanuel Urquhart & Sullivan, LLP 865 S. Figueroa Street, 10th Floor Los Angeles, CA 90017 (213) 443-3000	Google employee	Information concerning the origins of Chrome browser's Incognito mode
Chris Liao	May be reached through counsel for Google  Quinn Emanuel Urquhart & Sullivan, LLP 865 S. Figueroa Street, 10th Floor Los Angeles, CA 90017 (213) 443-3000	Google employee	Information concerning Google's processing and storage of data received through Google Ad Manager

Name	Contact Information	Connection to the Case	Subject
Adrienne Porter Felt	May be reached through counsel for Google  Quinn Emanuel Urquhart & Sullivan, LLP 865 S. Figueroa Street, 10th Floor Los Angeles, CA 90017 (213) 443-3000	Google employee	Information concerning the purpose and function of the Chrome browser's Incognito mode and Google's disclosures regarding Incognito mode
Greg Fair	May be reached through counsel for Google  Quinn Emanuel Urquhart & Sullivan, LLP 865 S. Figueroa Street, 10th Floor Los Angeles, CA 90017 (213) 443-3000	Former Google employee	Information concerning Google's disclosures regarding data collection practices and Google systems that obtain and record user consent

In addition to the individuals identified above, Google incorporates by reference the witnesses and their possible subjects of testimony disclosed by Plaintiffs in their Disclosures and any amended Disclosures, as well as those individuals identified by Plaintiffs through discovery, declaration, or other means, those individuals whose names appear on produced documents as if set forth in full herein, and those individuals deposed or to be deposed in this case. Google has not yet identified all expert witnesses upon whose opinions and testimony it may rely in this matter.

**II. Documents, Electronically Stored Information, and Tangible Things (Fed. R. Civ. P. 26(a)(1)(A)(ii))**

The categories and locations, where known, of non-privileged documents, electronically stored information, and tangible things in Google's possession, custody, or control that Google may use to support its claims or defenses include:

1. Google's publicly available disclosures related to the data it collects, including Google's Privacy Policies, Terms of Service, and Chrome Privacy Notice;
2. Documents from Google Help Center;
3. Documents from Google Chrome Help Center;
4. Documents from Google Analytics Help Center;
5. Documents from Google Analytics Measurement Protocol Guides;
6. Documents from Google Ad Manager Help Center;
7. Documents from Google Platforms Policies Help Center;
8. Documents related to Plaintiffs' use of Google services;
9. Documents related to Plaintiffs' request for damages or other relief in this litigation; and
10. Publicly available information related to Google's Terms of Service, Privacy Policy, Chrome Privacy Notice, Chrome Incognito Mode, Google Ads, and Google Analytics.

In addition to the above-identified categories of documents, Google incorporates by reference the categories of documents disclosed by Plaintiffs in their Disclosures and any amended Disclosures, and any documents identified by Plaintiffs through discovery, declaration, or other means.

Google expressly reserves the right to supplement this response under Rule 26(e) of the Federal Rules of Civil Procedure as its investigation continues.

### **III. Damages (Fed. R. Civ. P. 26(a)(1)(A)(iii))**

Google is not presently seeking any damages in this matter. Google reserves the right to assert counterclaims against Plaintiffs or claims against other parties in the future and to seek related damages, and it will supplement its Disclosures accordingly at that time. Google also reserves its right to seek recovery of attorneys' fees and costs in amounts to be determined at an appropriate stage.

### **IV. Insurance Agreements (Fed. R. Civ. P. 26(a)(1)(A)(iv))**

Google is not aware of any insurance agreement under which any person carrying on an



1 insurance business may be liable to satisfy part or all of a judgment which may be entered in the  
2 action or to indemnify or reimburse for payments made to satisfy the judgment.

3 Google expressly reserves the right to supplement its responses pursuant to Rule 26(e) of the  
4 Federal Rules of Civil Procedure as its investigation continues.

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6 DATED: February 21, 2022

QUINN EMANUEL URQUHART &  
SULLIVAN, LLP

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8  
9 By /s/ Andrew H. Schapiro

10 Andrew H. Schapiro (admitted *pro hac vice*)  
andrewschapiro@quinnemanuel.com  
11 191 N. Wacker Drive, Suite 2700  
Chicago, IL 60606  
12 Telephone: (312) 705-7400  
13 Facsimile: (312) 705-7401

14 Stephen A. Broome (CA Bar No. 314605)  
stephenbroome@quinnemanuel.com  
15 Viola Trebicka (CA Bar No. 269526)  
violatrebicka@quinnemanuel.com  
16 Alyssa G. Olson (CA Bar No. 305705)  
alyolson@quinnemanuel.com  
17 865 S. Figueroa Street, 10th Floor  
Los Angeles, CA 90017  
18 Telephone: (213) 443-3000  
19 Facsimile: (213) 443-3100  
20

21 Diane M. Doolittle (CA Bar No. 142046)  
dianedoolittle@quinnemanuel.com  
22 Sara Jenkins (CA Bar No. 230097)  
sarajenkins@quinnemanuel.com  
23 555 Twin Dolphin Drive, 5th Floor  
Redwood Shores, CA 94065  
24 Telephone: (650) 801-5000  
25 Facsimile: (650) 801-5100  
26  
27  
28

1 Jomaire A. Crawford (admitted pro hac vice)  
2 jomairecrawford@quinnemanuel.com  
3 51 Madison Avenue, 22nd Floor  
4 New York, NY 10010  
5 Telephone: (212) 849-7000  
6 Facsimile: (212) 849-7100

7 Josef Ansorge (admitted *pro hac vice*)  
8 josefansorge@quinnemanuel.com  
9 1300 I. Street, N.W., Suite 900  
10 Washington, D.C. 20005  
11 Telephone: 202-538-8000  
12 Facsimile: 202-538-8100

13 Jonathan Tse (CA Bar No. 305468)  
14 jonathantse@quinnemanuel.com  
15 50 California Street, 22nd Floor  
16 San Francisco, CA 94111  
17 Telephone: (415) 875-6600  
18 Facsimile: (415) 875-6700

19 *Attorneys for Defendant, Google LLC*  
20  
21  
22  
23  
24  
25  
26  
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**PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 865 S. Figueroa Street, 10th Floor, Los Angeles, CA 90017.

On February 21, 2022, I served true copies of the following document(s) described as **DEFENDANT'S AMENDED DISCLOSURES PURSUANT TO FED. R. CIV. P. 26(a)(1)** on the interested parties in this action as follows:

**SEE ATTACHED LIST**

**BY E-MAIL OR ELECTRONIC TRANSMISSION:** I transmitted PDF format copies of the document(s) described above to the e-mail addresses on the attached Service List pursuant to the agreement between the parties to serve discovery, in lieu of other service methods, by email under Fed. R. Civ. P. 5(b)(2)(E) (*see* Joint Case Management Statement § VIII.E, Docket No. 59). The documents were transmitted by electronic transmission and such transmission was reported as complete and without error.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on February 21, 2022 at Los Angeles, California.

/s/ Marie Hayrapetian  
Marie Hayrapetian

**SERVICE LIST**

*Brown v. Google LLC*  
*Case No. 4:20-cv-03664-YGR-SVK*

*Attorneys for Plaintiffs Chasom Brown et al.*

**BOIES SCHILLER FLEXNER LLP**

Mark C. Mao, CA Bar No. 236165  
Sean P. Rodriguez, CA Bar No. 262437  
Beko Richardson, CA Bar No. 238027  
Antonio Lavalley Ingram, II, CA Bar No. 300528  
Alexander Justin Konik, CA Bar No. 299291  
44 Montgomery St., 41st Floor  
San Francisco, CA 94104  
Tel.: (415) 293-6800  
Fax: (415) 293-6899  
mmao@bsfllp.com  
srodriguez@bsfllp.com  
brichardson@bsfllp.com  
aingram@bsfllp.com  
akonik@bsfllp.com

James Lee (admitted pro hac vice)  
Rossana Baeza (admitted pro hac vice)  
100 SE 2nd St., 28th Floor  
Miami, FL 33131  
Tel.: (305) 539-8400  
Fax: (303) 539-1307  
jlee@bsfllp.com  
rbaeza@bsfllp.com

**SUSMAN GODFREY L.L.P**

Amanda K. Bonn, CA Bar No. 270891  
1900 Avenue of the Stars, Suite 1400  
Los Angeles, CA. 90067  
Tel: (310) 789-3100  
Fax: (310) 789-3150  
abonn@susmangodfrey.com

William S. Carmody (admitted pro hac vice)  
Shawn Rabin (admitted pro hac vice)  
Steven M. Shepard (admitted pro hac vice)  
1301 Avenue of the Americas, 32nd Floor  
New York, NY 10019-6023  
Tel.: (212) 336-8330  
Fax: (212) 336-8340  
bcarmody@susmangodfrey.com  
srabin@susmangodfrey.com  
sshepard@susmangodfrey.com

**MORGAN & MORGAN**

John A. Yanchunis (admitted pro hac vice)  
Ryan J. McGee (admitted pro hac vice)  
Ra Olusegun Amen (admitted pro hac vice)  
Jean Sutton Martin (admitted pro hac vice)  
201 N. Franklin Street, 7th Floor  
Tampa, FL 33602  
Tel.: (813) 223-5505  
jyanchunis@forthepeople.com  
rmcgee@forthepeople.com  
ramen@forthepeople.com  
jean@jsmlawoffice.com

*Attorneys for Plaintiffs*